

Response

Applicant: George B. Hobbs
Serial No.: 09/734,295
Filed: December 11, 2000
Docket No.: 10003974-1

Title: PRINT PROCESSING SYSTEM AND METHOD WITH PRINT JOB ADVERTISING

REMARKS

The following Remarks are made in response to the Non-Final Office Action mailed July 29, 2004, in which claims 1-28 were rejected. Claims 1-28 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Zehr et al. Patent Application Publication No. US 2001/0025274 A1.

The filing date of the Zehr et al. Patent Application is February 9, 2001. The filing date of the present application, however, is December 11, 2000. Thus, the filing date of the present application precedes the filing date of the Zehr et al. Patent Application.

Applicant recognizes that the "Related U.S. Application Data" of the Zehr et al. Patent Application does identify the Zehr et al. Patent Application as a Continuation-In-Part of Application No. 09/581,306, filed on July 7, 2000. Applicant submits, however, that before the Zehr et al. Patent Application can rely on July 7, 2000 as the earliest effective filing date, a determination must be made as to whether the subject matter used to make the rejection is appropriately supported in the replied upon earlier-filed application's disclosure (see MPEP 706.02(f)(1) and 706.02(i)).

Accordingly, Applicant submits that the Examiner must make a determination as to whether the subject matter used to make the rejection of claims 1-28 under 35 U.S.C. 102(e) is appropriately supported in Application No. 09/581,306. Applicant, however, has not received any indication that such a determination has been made. In addition, Applicant has not been provided with a copy of Application No. 09/581,306 in order to evaluate the propriety of such a determination. As such, Applicant respectfully requests that the Examiner provide a copy of Application No. 09/581,306, and identify where the subject matter used to make the rejection is appropriately supported in the relied upon earlier-filed application.

In view of the above, Applicant submits that the Zehr et al. Patent Application does not qualify as a 102(e) reference. Applicant, therefore, respectfully requests that the rejection of claims 1-28 under 35 U.S.C. 102(e) be reconsidered and withdrawn and that claims 1-28 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-28 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either James R. McDaniel at Telephone No. (208) 396-4095, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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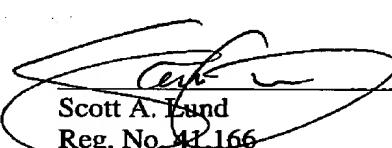
Respectfully submitted,

George B. Hobbs,

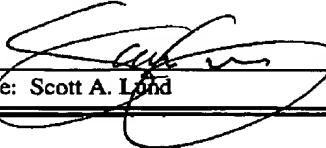
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 20th day of October, 2004.

By 
Name: Scott A. Lund